
REMARKS/ARGUMENTS

This is in response to the Final Office Action mailed February 27, 2008. Claims 1-5, 9, 13 and 23-25 are pending in the application. Claims 1-5 and 24-25 are canceled herewith. Claims 8, and 10-12 have been previously canceled. Claim 9 is amended herewith. No new matter is added with the amendment. With the entry of this Amendment, claims 5, 9, 13, and 23 are pending for consideration.

Applicants thank the Examiner for determining that claim 23 is allowable and that claims 5 and 13 would be allowable but for their dependence from non-allowed claims. Applicants have amended claim 5 to make it independent and note that claim 13 depends from claim 9, which has been amended to be in allowable form, as explained below. Therefore, both claims 5 and 13 should be in condition for allowance.

I. Rejection under 35 USC § 101

Claim 9 is rejected under 35 USC § 101 for the alleged reason that it is drawn to a product of nature. In response, applicants herewith amend claim 9 to recite an "isolated *Escherichia coli* strain". Withdrawal of this rejection is therefore respectfully requested.

II. Rejection under 35 USC § 112

The Examiner has rejected claim 9 under 35 USC § 112 for lacking an antecedent basis. In response, applicants have amended claim 9 to recite "An isolated *Escherichia coli* strain". As such, applicants have addressed the lack of antecedent basis issue and respectfully request withdrawal of the rejection.

The Examiner also has rejected claim 25 for reciting "high" and "very high". Applicants assert that this rejection is moot in view of the cancellation of claim 25.

III. Rejection under 35 USC § 103

The Examiner maintains the rejection of Claims 1-4 under 35 U.S.C. 103(a) as being unpatentable over Moeckel *et al.*, US patent 6,107,063 (issued August 22, 2000), in view of Eikmanns *et al.*, US patent 6,420,151 (issued July 16, 2002), Palmeros *et al.*, 2000 *Gene* 247 255-264, and Debahov *et al.*, US patent 4,278,765 (issued August 22, 2000). The Examiner applies this same rejection to claim 24. The Examiner also newly rejects claims 1 and 24-25 as being obvious over Moeckle in view of Eikmanns.

In response to all of the rejections under 35 USC § 103, applicants have canceled claims 1-4 and 24-25, rendering the Examiner's rejections moot.

In view of the amendments and explanations, applicants respectfully request the Examiner to withdraw all rejections for obviousness and allow all remaining claims.

CONCLUSION

The Examiner has stated that claim 23 is allowable and that claims 5 and 13 would be allowable but for their dependency on non-allowed claims. Applicants assert that claim 9 is in condition for allowance in view of the above amendment. Applicants further assert that this amendment should be entered as it places all the remaining claims in condition for allowance. In light of the above amendments and comments, applicants respectfully request that all rejections and objections be withdrawn and that a timely Notice of Allowance with respect to all of the pending claims be issued in this application.

Should the Examiner believe that anything further is necessary in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event that additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefore are hereby authorized to be charged to our Deposit Account No. 01-2300 referencing docket number **027707.00013**.

Respectfully submitted,

By: Patricia D. Granados
Patricia D. Granados
Attorney for Applicants
Registration No. 33,683

Customer No. 04372
ARENT FOX LLP
1050 Connecticut Avenue, N.W.
Suite 400
Washington, D.C. 20036-5339
Telephone: (202) 857-6000
Facsimile: (202) 857-6395